

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 49 of 1997

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN

and

MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO
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ARUN DEVENDRA OZA

Versus

SECRETARY, EDUCATION DEPTT

Appearance:

MR AD OZA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

MR RR MARSHALL for Respondent No. 5

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and

MR.JUSTICE A.R.DAVE

Date of decision: 22/04/98

C.A.V JUDGEMENT (Per : A.R Dave, J.)

1. By way of public interest litigation, the petitioner - a practising lawyer has approached this

Court for voicing difficulties faced by certain Education Tribunals functioning under the respondent Government.

2. It has been submitted by the petitioner that in the State of Gujarat, there are following Education Tribunals :-

- (a) Gujarat Primary Education Tribunal (b) Gujarat Secondary Education Tribunal (c) Gujarat Higher Secondary Schools Services Tribunal (d) Gujarat Affiliated Colleges Services Tribunal, (e) Universities Services Tribunal.

It has been submitted by the petitioner that the said Education Tribunals do not have sufficient staff and the accommodation provided by the respondent Government to the said Tribunals is not sufficient and as a result thereof, the said Tribunals are not in a position to function effectively, and as a result thereof, litigants - most of them are teachers, are suffering on account of not getting prompt justice from the Tribunals. It has been submitted that the Tribunals are not equipped with sufficient number of Clerks and Stenographers. It has also been submitted that furniture which has been provided to the Tribunals is also not sufficient. In the circumstances, it has been prayed that respondents Nos. 1 to 4 be directed to provide adequate facilities to the Education Tribunals stated hereinabove and a suitable premises should also be provided to the said Tribunals so that the Tribunals can function more effectively.

3. In pursuance of notices issued to the concerned respondents, learned Government Pleader Mr. Prashant G. Desai has appeared and has placed on record Affidavits filed by Shri D.C Vora, Deputy Secretary, Education Department of the State of Gujarat. During the pendency of the petition, several directions were given to the respondent Government-authorities from time to time and in pursuance of the said directions, several facilities were given to the Tribunals. During the pendency of the petition, a buildings named "Gujarat Education Bhavan" situated at Raikhad in Ahmedabad City was made available to the Tribunals enumerated hereinabove and some of the Tribunals have also been shifted to the said building. It has been submitted on behalf of the Government authorities that still the said building is not completely ready to accommodate all the Tribunals but the building would be ready for housing all the Tribunals as soon as possible and due efforts are made to see that the said building is made ready with all necessary facilities

for the Tribunals and for litigants attending the Tribunals.

4. It has been also submitted that a sum of Rs. 35,75,810/= was made available to the Roads & Building Department for providing necessary facilities to the above referred to Tribunals under notification dated 6.8.1997 and thereafter a further sum of Rs. 21 lacs was provided for furniture, air-conditioners, computer-rooms, chambers of the Hon'ble Judges of the Tribunals, etc. Moreover, sufficient number of posts of clerks, stenographers etc., were sanctioned for all the Tribunals so that the Tribunals can function more effectively. It has also been submitted that sufficient number of staff has also been employed and all possible efforts are being made to see that all necessary facilities are given to the said Tribunals.

5. During the pendency of the petition, the petitioner and other office bearers of Bar Associations of the Tribunals had visited the building made available by the respondent-Government authorities to the said Tribunals and the petitioner and other concerned persons who had visited the said building had shown their satisfaction to the space made available to the Tribunals.

6. Thus, during pendency of the petition, most of the grievances voiced in the petition by the petitioner have been redressed by the respondent Government. Still some of the grievances ventilated in the petition do survive. Grievance with regard to condition of service of the Presiding Officers of the Tribunals, including fixation of their salary and grant of perquisites, in our opinion, cannot be entertained by this Court in this litigation. Averments made with regard to equal pay for equal work in relation to salaries of the Presiding Officers involve disputed questions of fact. Moreover, the said terms are to be decided by the respondent Government, and therefore, we do not think it proper to deal with grievance with regard to salary and perquisites to be given to the Presiding Officers. Moreover, some grievances have been made with regard to execution of orders of the Tribunal. It has been submitted that there are no proper rules to enable the Tribunals to take appropriate action for execution of their orders. In our opinion, it is for the respondent Government to frame appropriate rules so as to see that the Tribunals can do the needful for execution of their orders.

7. If still any minor matter pertaining to

facilities which might be required by the said Tribunals survives, we do not think it necessary to give any direction to the respondent Government authorities. We are sure that the respondent-Authorities will do the needful to see that all necessary facilities are given to the Tribunals as soon as possible. If any of the Registrars of the Tribunals feels that functioning of the concerned Tribunal is adversely affected on account of non availability of certain facilities, the concerned Registrar should approach the State of Gujarat in Education Department by making a suitable representation so that needful can be done by the State of Gujarat for providing facilities required by the concerned Tribunal. Learned Government Pleader Shri Prashant Desai appearing for the respondent Government has assured this Court that if attention of the respondent Government is drawn to any inconvenience caused to the Tribunals which can be removed by the respondent Government, the respondent Government will extend its full cooperation and do the needful for removal of the difficulties so that the Tribunals can function more efficiently and effectively.

8. In the circumstances, as most of the grievances voiced in the petition have been redressed and as it would be open to the concerned Registrars to approach the respondent Government in the event of any difficulty faced by the Tribunals, we do not think it necessary to give any direction to the respondent-Government at this stage and we dispose of the petition accordingly. Petition stands finally disposed of with no order as to costs.

Prakash*